



# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/621,111         | 07/16/2003             | Simon Fenney          | R&G 361                |

CONFIRMATION NO. 8439

23474  
FLYNN THIEL BOUTELL & TANIS, P.C.  
2026 RAMBLING ROAD  
KALAMAZOO, MI 49008-1699

## FORMALITIES LETTER



\*OC000000011060868\*

Date Mailed: 10/20/2003

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) 3, 4 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

#### **Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of **\$364** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1264** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$364**
  - **\$84** for 1 independent claims over 3 .
  - **\$280**for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

US

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

**Effective OCTOBER 1, 2003.** Patent Fees will be adjusted. Please note that fee amounts required by the enclosed Notice might reflect the fees due on the date of filing. Any fee paid on or after OCTOBER 1, 2003 is subject to the new FY 2004 fee schedule and must be paid in the new amount.

**EXAMPLES OF FEES BEING ADJUSTED**

See [www.uspto.gov](http://www.uspto.gov) for complete FY 2003  
and FY-2004 Fee Schedules

| DESCRIPTION  | FY 2003 | FY 2004 | * Indicates fees remain at FY 2003 amount |
|--|---------|---------|---|
| Basic filing fee - Utility                             | \$750   | \$770   |   |
| Basic filing fee - Utility (Small Entity)              | \$375   | \$385   |   |
| Independent claims in excess of three                  | \$84    | \$86    |   |
| Independent claims in excess of three (Small Entity)   | \$42    | \$43    |   |
| Claims in excess of twenty                             | \$18    | \$18*   |   |
| Claims in excess of twenty (Small Entity)              | \$9     | \$9*    |   |
| Multiple dependent claim                               | \$280   | \$290   |   |
| Multiple dependent claim (Small Entity)                | \$140   | \$145   |   |
| Surcharge - Late filing fee                            | \$130   | \$130   |   |
| Surcharge - Late filing fee (Small Entity)             | \$65    | \$65    |   |
| Design filing fee                                      | \$330   | \$340   |   |
| Design filing fee (Small Entity)                       | \$165   | \$170   |   |
| Plant filing fee                                       | \$520   | \$530   |   |
| Plant filing fee (Small Entity)                        | \$260   | \$265   |   |
| Reissue filing fee                                     | \$750   | \$770   |   |
| Reissue filing fee (Small Entity)                      | \$375   | \$385   |   |
| Reissue independent claims                             | \$84    | \$86    |   |
| Reissue independent claims (Small Entity)              | \$42    | \$43    |   |
| Reissue claims in excess of twenty                     | \$18    | \$18*   |   |
| Reissue claims in excess of twenty (Small Entity)      | \$9     | \$9*    |   |
| Provisional application filing fee                     | \$160   | \$160*  |   |
| Provisional application filing fee (Small Entity)      | \$80    | \$80*   |   |
| Surcharge - Late provisional filing fee                | \$50    | \$50*   |   |
| Surcharge - Late provisional filing fee (Small Entity) | \$25    | \$25*   |   |
| Non-English Specification                              | \$130   | \$130*  |   |
| Extension - First month                                | \$110   | \$110*  |   |
| Extension - First month (Small Entity)                 | \$55    | \$55*   |   |
| Extension - Second month                               | \$410   | \$420   |   |
| Extension - Second month (Small Entity)                | \$205   | \$210   |   |
| Extension - Third month                                | \$930   | \$950   |   |
| Extension - Third month (Small Entity)                 | \$465   | \$475   |   |
| Extension - Fourth month                               | \$1,450 | \$1,480 |   |
| Extension - Fourth month (Small Entity)                | \$725   | \$740   |   |
| Extension - Fifth month                                | \$1,970 | \$2,010 |   |
| Extension - Fifth month (Small Entity)                 | \$985   | \$1,005 |   |
| Petition   | \$130   | \$130*  |   |
| Processing returned checks                             | \$50    | \$50*   |   |

For further fee information, please call

(703-308-HELP)